

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VERGE HOMEOWNERS  
ASSOCIATION,

Plaintiff,

v.

CHUBB CUSTOM INSURANCE  
COMPANY, et al.,

Defendants.

CASE NO. C21-0241JLR

ORDER DISMISSING CASE

On March 1, 2022, the court issued an order for Plaintiff Verge Homeowners Association (“the Association”) to show cause by no later than March 8, 2022, why this matter should not be dismissed either because all outstanding claims have been resolved or for lack of subject matter jurisdiction. (OSC (Dkt. # 23).) The Association has not responded to that order. (*See generally* Dkt.) For the reasons set forth below, the court DISMISSES this action without prejudice.

1 On February 26, 2021, the Association filed its complaint in this insurance  
2 coverage dispute, naming as Defendants Chubb Custom Insurance Company (“Chubb”),  
3 Admiral Insurance Company (“Admiral”), and Doe Insurance Companies 1-10. (Compl.  
4 (Dkt. # 1).) The Association alleged that the Doe Insurance Companies were “currently  
5 unidentified entities who, on information and belief, sold insurance policies to the  
6 Association that identify the Verge Condominium as covered property.” (*Id.* ¶ 2.4.) It  
7 alleged only one claim that implicated the Doe Insurance Companies: its first claim for  
8 declaratory relief that its insurance policies provide coverage for the damage to the  
9 property. (*Id.* ¶¶ 5.1-5.2; *see also id.* ¶ 2.5 (defining “Verge Insurers” as including  
10 Chubb, Admiral, and Doe Insurance Companies 1-10).) The Association expressly  
11 named either Chubb or Admiral in each of its remaining claims. (*See id.* ¶¶ 6.1-10.2  
12 (naming Chubb and Admiral in claims for breach of contract, insurance bad faith, and  
13 violations of the Washington Consumer Protection Act).)

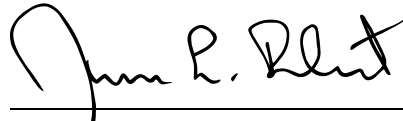
14 On August 17, 2021, the court issued a scheduling order in which it set the  
15 deadline for joining additional parties on September 14, 2021. (Sched. Order (Dkt. # 17)  
16 at 1.) No party sought to join additional parties in this case, either before the deadline or  
17 after it. (*See generally* Dkt.)

18 On December 28, 2021, the Association and Admiral filed a stipulated motion to  
19 dismiss all claims against Admiral with prejudice. (12/28/21 Stip. (Dkt. # 19).) The  
20 court granted the motion on December 29, 2021. (12/29/21 Order (Dkt. # 20).)  
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1 On March 1, 2022, the Association and Chubb filed a stipulated motion to dismiss  
2 all claims against Chubb without prejudice. (3/1/22 Stip. (Dkt. # 21).) The court granted  
3 the motion that same day. (3/1/22 Order (Dkt. # 22).)

4 The only remaining defendants in this action are Doe Insurance Companies 1-10,  
5 and the only possible remaining claim is for a declaratory judgment that any insurance  
6 policies issued by the Doe Insurance Companies provide coverage for damage to the  
7 Association's property. (*See Compl.*) Although the Association filed its complaint over  
8 one year ago, no party has identified any of the Doe Insurance Companies to the court,  
9 joined them in this action, or served them. (*See generally* Dkt.) Because it was unclear  
10 whether any claims remain in this case for adjudication after the dismissal of Chubb and  
11 Admiral, the court issued its March 1, 2022 order to show cause why this case should not  
12 now be dismissed. (*See OSC.*) The Association has not responded to the court's order.  
13 (*See generally* Dkt.) Accordingly, as it appears that there are no further claims remaining  
14 in this matter, the court now DISMISSES this action WITHOUT PREJUDICE.

15 Dated this 9th day of March, 2022.

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18 JAMES L. ROBART  
United States District Judge